IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 18TH JANUARY 2007 / 28TH PAUSHA 1928

Crl.MC.No. 147 of 2007()

CC.182/2005 of JUDL.MAGISTRATE OF FIRST CLASS COURT, CHITTUR
CRIME NO.213/02 OF THE PUTHUNAGARAM POLICE STATION.

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PETITIONER: ACCUSED:

NARAYANA DAS ALIAS DEVADAS,
AGED 38 YEARS, S/O.NARAYANAN MENON,
PARAMBATH HOUSE, JAYANTHI ROAD,
MARADU DESOM, KANAYANNOOR TALUK,
MARADU VILLAGE.

BY ADV. SRI.GEORGE SIMON

RESPONDENTS:

S.H.O.PUTHUNAGARAM POLICE STATION
REPRESENTING THE STATE OF KERALA BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY P.P. SMT. LATHA.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18/01/2007 ALONG WITH CRL.M.C.NO.153/07, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NOs. 147 & 153 OF 2007

Dated this the 18th day of January, 2007

ORDER

The common petitioner in these Crl.M.Cs. faces indictment in two separate prosecutions before two different courts. He did not appear before the learned Magistrates in the concerned cases and consequently finds non-bailable warrants of arrest issued by the learned Magistrates chasing him. It is submitted that he once appeared before the learned Magistrate; but had later failed to appear before the learned Magistrate. It is hence that warrants of arrest have been issued by the learned Magistrates.

2. The learned counsel for the petitioner submits that the petitioner has valid reasons to explain why he could not appear before the learned Magistrates. The petitioner apprehends that his applications for bail to be filed when he surrenders before the learned Magistrates may not be considered by the learned Magistrates on merits, in accordance with law and expeditiously. In these circumstances, he has come to this Court with a prayer that

directions under Sec.482 of the Cr.P.C. may be issued to the learned Magistrates to release the petitioner on bail when he appears and applies for bail.

3. I do not express any opinion on merits. It is for the petitioner to appear before the learned Magistrates and explain to the learned Magistrates the circumstances under which he could not earlier appear before the learned Magistrates. I have no reason to assume that the learned Magistrates would not consider the petitioner's application for regular bail on merits in accordance with law and expeditiously. No special or specific directions appear to be necessary. Every court must do the same. Sufficient general directions on this aspect have already been issued in the decision reported in **Alice George v. Deputy Superintendent of Police** (2003 (1) KLT 339).

4. In the result, these Crl.M.Cs. are dismissed; but with the observation that if the petitioner surrenders before the learned Magistrate concerned and seeks bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously – on the date of surrender itself, unless compelling and exceptional reasons are there.

Sd/-
(R. BASANT, JUDGE)

Nan/ //true copy// P.S. To Judge